

Mr. Paul Mero testimony before the
Business and Labor Interim Committee
Wednesday, July 17, 2013, Room 210 Senate Building

Mr. Chairman and members of the committee,

State liquor policy has been consistent for decades. Utah is a *control* state. Our policy is to “*reasonably* satisfy the public demand” for alcoholic products and “protect the public interest.” The law even includes a provision about “the rights of citizens who do not wish to be involved with alcoholic products” (language justifying what has become known as the “Zion curtain”).

State policy is designed to “promote the reduction of the harmful effects” of liquor, to mitigate overconsumption and avoid the “consumption of alcoholic products by minors.” The policy even addresses all of the voices that wrongly equate the consumption of alcohol with economic development: The state “may not promote or encourage the sale or consumption of alcoholic products.” Arguing for liquor on the grounds that it increases economic development is promoting and encouraging its sale and consumption.

Every five years or so, this Legislature should revisit state liquor policy instead of allowing special interests to passively aggressively chip away at it session by session. You either believe that there is a government role in protecting the public interest or you don’t. Liquor policy is not complicated – only critics nitpicking at control policies have made it so over time.

If increasing liquor sales and consumption are threats to the public interest – and I argue that they are – not only can Utah code be reduced and simplified, it can be more aggressive in protecting the public interest. For instance, the Legislature should seriously consider lowering the blood alcohol content level to .05 rather than the current .08. There’s plenty of sound evidence that shows real reductions in harm when the BAC is reduced to .05.

When policy objectives are well defined, limited government is easier to obtain. Not one of us really wants to tell people what to do and yet all of us understand the necessity of order and personal responsibility required to maintain a free society. We know that when someone is impaired or drunk, they’re not really free. It’s specious to argue that an individual liberty to consume as much liquor as you want, whenever and wherever you want, is some God-given principle in a free society.

Instead of entertaining jokes about Utah’s “Zion curtain,” we’d be much better off searching for *more* ways to isolate the culture of drinking in this state – that is, if we’re serious about protecting the public interest. And despite feigned ignorance about culture and its affects, everyone knows what we mean. Specifically, a culture of drinking promotes liquor consumption just as a culture of dining promotes food consumption. The “Zion curtain” law simply reminds us that a culture of drinking is different than a culture of dining.

Does state government have a legitimate role in influencing a culture of drinking? I argue that it does because it has no choice in the matter. It's not as if a culture of drinking is going to regulate itself. Bar culture isn't going to consistently tell someone they've had too much to drink. Bar culture isn't going to follow someone from the bar to the car to home. And we certainly don't want to imply to children that bar culture represents responsible adult behavior. We don't have to moralize to tell the truth but, evidently, a culture of drinking needs constant reminding that just because you can doesn't mean you should.

There's never a good time to encourage a culture of drinking if you believe that the Legislature has a role in protecting the public interest. Lower the BAC limit to .05. Complement the "Zion curtain," don't tear it down. And, choose to periodically and proactively debate state liquor policy rather than permit some colleagues to repeal it through a thousand exceptions and pretended needs.

Thank you Mr. Chairman.